

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/817,303 Confirmation No.: 1854
Applicant(s): Owensby
Filed: 04/02/2004
Art Unit: 1794
Examiner: Steven N. Leff
Title: CONTAINER FOR PACKAGING PERISHABLE FOOD ITEMS

Customer No.: 00826

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

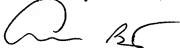
**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 43.31)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated October 20, 2008, rejecting the following Claims 1, 6-14 and 20-28.

The fee for this Notice of Appeal under 37 CFR § 41.20(b)(1) is enclosed.

- ☐ Applicant claims small entity Status.
- ☐ A check is enclosed.
(\$540.00 for large entity fee or \$270.00 if small entity status)
- ☒ Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.
- ☒ Any additional fee or refund may be charged to our
Deposit Account No. 16-0605.
- ☒ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

Respectfully submitted,



Timothy J. Balts
Registration No. 51,429

CUSTOMER No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB
ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON **February 18,**
2009.